

REMARKS

This application has been reviewed in light of the Office Action dated February 26, 2004. Claims 1-16 are presented for examination. Claims 1 and 15 have been amended to define more clearly what Applicant regards as the invention; the changes made are purely formal ones that do not affect the scope of any claim element. Claims 1, 3, 15 and 16 are in independent form. Favorable reconsideration is requested.

Applicant notes with appreciation the indication that Claim 14 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. That claim has not been so rewritten because, for the reasons given below, its base claim is believed to be allowable.

Claims 1, 2 and 15 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Those claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the point raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-4, 6, 11, 13, 15 and 16 were rejected under 35 U.S.C. §103(a) as being obvious from U.S. Patent 5,684,608 (Charbonnier et al.) in view of U.S. Patent 6,128,510 (Beukema et al.) In addition, Claim 12 was rejected under Section 103(a) as being obvious from *Charbonnier* in view of *Beukema*, and in further view of U.S. Patent 5,479,485 (Hayashi), Claim 5, as being obvious from *Charbonnier* in view of *Beukema* and U.S. Patent 6,223,061 (Dacus et al.), Claims 7 and 8, as being obvious from *Charbonnier* in view of *Beukema* and U.S. Patent 6,072,803 (Allmond et al.), and Claims 9

and 10, as being obvious from *Charbonnier* in view of *Beukema* and U.S. Patent 5,517,552 (Yamashita).

Claim 1

The aspect of the present invention set out in independent Claim 1 is a communication apparatus having a wired communication unit and a wireless communication unit having a plurality of wireless communication modes. The communication apparatus includes determining means for determining a connecting condition of the wired communication line and an input means for a user to use in inputting transmission data. A communication means is provided for selectively transmitting the transmission data inputted by the input means via one of the wired communication unit and the wireless communication unit, and selecting a wireless communication mode of the plurality of wireless communication modes of the wireless communication unit in accordance with the determination by the determining means.

One important aspect of these claimed features is that the communication means is configured to select a wireless communication mode from among the plurality of wireless communication modes depending upon the connecting condition of the wired communication line.

As discussed, for example, at page 24, lines 15-24, of the specification, when a facsimile device (FS1) is connected to an ISDN, a master station digital wireless communication protocol for a telephone handset (PHS) may be selected, whereas when the facsimile device (FS1) is not connected to the ISDN, a remote station digital wireless communication protocol for a wireless switchboard (RC1) may be selected. Of course, this

example is but one embodiment of this aspect of the invention and does not limit the scope of the claims.

Charbonnier relates to a facsimile apparatus that can perform wireless communication either in a handset mode, in which it acts as a cordless facsimile device that communicates with a telephone base station connected to a telephone line, or in a base mode, in which it is connected to a telephone line and acts as the base station for a cordless handset. The Examiner cites column 2, lines 14-44, of *Charbonnier* as disclosing determining means for determining a connecting condition of a wired communication line. However, while the processor of *Charbonnier* controls switches 13 and 14, there is no disclosure of the processor being able to determine the connecting condition of a wired communication line, let alone a communication means for selecting a wireless communication mode in accordance with the determination of the determining means (as conceded by the Examiner at page 4 of the Office Action).

The Examiner cites column 4, lines 49-67, column 6, lines 3-67, and figures 4-6 of *Beukema* as disclosing determining means and communication means for selecting a wireless communication mode in accordance with the determination by the determining means, as recited in Claims 1, 3, 15, and 16 in the current application. However, in our view, *Beukema* neither discloses nor suggests these features, let alone a way of determining the connecting condition of the wired communication line. *Beukema* merely determines whether the base transceiver is receiving signals from the cordless telephone handset or the cordless modem. Whether the *cordless* modem or *cordless* telephone handset communicates with the base is not determined by the connecting condition of a *wired* communication line.

Accordingly, Claim 1 is believed to be patentable over *Charbonnier* and *Beukema*, taken separately or in combination, assuming for argument's sake that the proposed combination of those patents would even be permissible.

Claim 3

The aspect of the present invention set out in independent Claim 3 is a communication apparatus having a first mode, for performing wireless communication under the control of a first wireless communication apparatus, and a second mode, for controlling so that a second wireless communication apparatus performs wireless communication. The communication apparatus includes determining means for determining whether a wired communication line is connected to the communication apparatus. A control means is provided for automatically switching between the first mode and the second mode in accordance with the determination by the determining means.

In Applicant's view, nothing in *Charbonnier* teaches or suggests a control means for automatically switching between a first wireless mode and a second wireless mode in accordance with a determination by a determining means as to whether a wired communication line is connected to the communication apparatus, as recited in Claim 3. Rather, *Charbonnier* merely states that certain components switch operating modes “[w]hen the mode of use of the system is changed from the telephone handset mode into base mode or conversely. . .” See *Charbonnier* at col. 2, lines 59-64.

Moreover, even if *Beukema* is deemed to show all that it is cited for, and even assuming the proposed combination of that patent with *Charbonnier* would be a permissible one, *Beukema* does not supply what is missing from *Charbonnier* as a

reference against Claim 3, and therefore, that claim is believed to be clearly allowable over those two patents.

Independent Claims 15 and 16 recite features similar to those discussed above with respect to Claims 1 and 3, respectively, and therefore are also believed to be patentable over the cited art for the reasons discussed above.

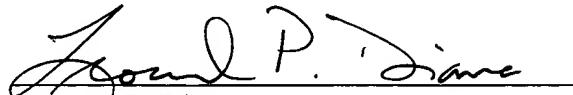
A review of the other art of record, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 471882v1